

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Bloomington Chrysler Jeep Eagle, Inc.,

Plaintiff,

Civ. No. 05-1222 (RHK/JJG)

v.

**ORDER**

DaimlerChrysler Motor Company, L.L.C.,

Defendant.

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Plaintiff has moved for Partial Final Judgment pursuant to Federal Rule of Civil Procedure 54(b), or in the alternative, Certification of Interlocutory Appeal with respect to this Court's December 29, 2005, Memorandum Opinion and Order dismissing its claim against Defendant for violation of the Minnesota Motor Vehicle Sale and Distribution Act. Having reviewed the moving papers, the undersigned has concluded that the instant Motion should be denied without further briefing or oral argument.

To grant a Motion for Partial Final Judgment pursuant to Rule 54(b), the Court would need to determine that "there is no just reason for delay" and make an "express direction for the entry of judgment." To certify the issue for an interlocutory appeal pursuant to 28 U.S.C. § 1291, the Court would need to determine that "there is substantial ground for difference of opinion" and that "certification would materially advance ultimate termination of the litigation." This Court's December 29, 2005, Memorandum Opinion and Order did not resolve all of the claims between the parties, even though the factual and legal issues involved in all four claims alleged by Plaintiff are similar. Furthermore, Plaintiff is

unable to provide this Court with any authority showing “a substantial difference of opinion” on the resolution of its claim involving the Minnesota Motor Vehicle Sales and Distribution Act. Therefore, the entry of judgment pursuant to Rule 54(b) is not warranted, and a piecemeal interlocutory appeal would result in a waste of judicial resources.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED** that Plaintiff’s Motion for Partial Final Judgment, or in the alternative, for Certification of Interlocutory Appeal (Doc. No. 27), is **DENIED**.

Dated: January 23, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge